

ARTICLE V. UNSAFE BUILDINGS

Sec. 7-136. Adopted.

The code published by the International Conference of Building Officials entitled Uniform Code for the Abatement of Dangerous Buildings 1994 edition, hereinafter called "dangerous buildings code," by this reference is hereby incorporated herein as and for the rules, regulations and standards within the city as to all matters therein contained.

(Ord. No. 754, § 5, 11-12-86; Ord. No. 838, § 5, 1-8-91; Ord. No. 899, § 1, 12-18-95)

Secs. 7-137—7-159. Reserved.

ARTICLE VI. RESERVED*

Secs. 7-160—7-178. Reserved.

ARTICLE VII. STRUCTURES OF HISTORIC OR AESTHETIC VALUE†

Sec. 7-179. Purpose declared.

The purpose of this article is to preserve, enhance, and perpetuate for the benefit of the general public those buildings, structures, and areas having special historical or aesthetic interest or value which contribute to community aesthetics and identity, and to prescribe the procedure for altering, relocating, and demolishing those structures so classified.

(Ord. No. 865, § 1, 8-25-92)

***Editor's note**—See the editor's footnote at the beginning of this chapter

State law references—Authority to prevent unsafe structures, Gov. Code, § 38660(c); provide for abatement of unsafe structures, § 38660(d).

†Editor's note—Section 1 of Ord. No. 865, adopted Aug. 25, 1992, amended Ch. 7, Art. VII to read as herein set out. Prior to such amendment, Art VII consisted of §§ 7-179—7-185, which pertained to structures of historic or aesthetic value and derived from §§ 1—7 of Ord. No. 513, adopted July 23, 1973.

Sec. 7-180. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alter. The term "alter" or "alteration" shall mean a physical change to the exterior of a landmark or a historic resource including, but not limited to, building additions and change of exterior building materials. It shall not include replacement of windows, doors, roofing and exterior materials with similar or comparable building materials, repair, maintenance, painting and landscaping.

Adaptive reuse. The term "adaptive reuse" shall mean the alteration or conversion of a structure for another permitted or conditional use in the respective zoning district.

Certificate of appropriateness. The term "certificate of appropriateness" or "certificate" shall mean a certificate granted by the planning commission or city council for the alteration, relocation or demolition of a landmark or historic resource.

Demolish. The term "demolish" or "demolition" shall mean the razing or destruction, whether entirely or in significant part, of a building or structure.

Hearing body. The term "hearing body" shall mean the Planning Commission or City Council of the City of Belmont.

Historic district. The term “historic district” shall mean a geographically definable area with a concentration of historic resources and/or landmarks.

Historic resource. The term “historic resource” shall mean a building or structure over fifty (50) years old representative of a historic period or building type, but does not meet landmark standards. A historic resource is significant because it was present during the period of significance, and possesses historic integrity, architecture, or historic association reflecting its character at that time or is capable of yielding important information about the period.

Landmark. The term “landmark” shall mean a building or structure being the first, last, only or most significant of a type in a region, over fifty (50) years old, possessing tangible elements of important historical periods, persons, architecture, or use.

Relocate. The term “relocate” or “relocation” shall mean any removal and replacement in whole or in part, of a building or structure to another location on its lot or to another site.

Structure. The term “structure” shall mean anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground.
(Ord. No. 865, § 1, 8-25-92)

Sec. 7-181. Classification of landmarks and historic resources.

A report and recommendation shall be made by the director of planning prior to classification of a landmark or historic resource. The city council may, following a public hearing and notification of the subject property owners, by resolution classify buildings as landmarks or historic resources if it finds that:

- (a) The structure or property meets the applicable definition contained herein; and
- (b) Such classification is necessary to meet the declared purposes of this article; and
- (c) Such classification would not deprive the owner of economically viable use of the site.

In areas deemed to be historic districts, the council may consider the cumulative contribution of indi-

vidual buildings to recognize the importance of continuity and concentrations of historic resources.
(Ord. No. 865, § 1, 8-25-92)

Sec. 7-182. Declassification of landmarks and historic resources.

A report and recommendation shall be made to the council by the director of planning prior to declassification. The city council may, following a public hearing, declassify buildings or structures previously classified as landmarks or historic resources by resolution if the council finds that:

- (a) Circumstances have changed such that the structure or property no longer meets the applicable definition contained herein; or
- (b) Such classification is no longer necessary to meet the declared purpose of this article; or
- (c) Circumstances have changed such that such classification would deprive the owner of economically viable use of the site; or
- (d) The building or structure has been approved for demolition.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-183. Administrative approval of minor alterations to historic resources.

The director of planning may approve minor alterations to historic resources as part of the normal building permit process provided that all of the following criteria are met:

- (a) The proposed alteration will not result in more than a twenty-percent increase in gross floor area;
- (b) The proposed alteration retains the essential architectural elements which make the resource historically valuable; and
- (c) The proposed alteration maintains continuity and scale with the materials and design context of the historic resource, to the maximum extent feasible.

A notice of such action shall be posted once at city hall prior to building permit issuance.

Minor alterations to historic resources not meeting the above criteria shall require approval of a certificate of appropriateness by the planning commission.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-184. Certificate application required; contents.

Except as provided for elsewhere in this chapter, any person desiring to alter, relocate, or demolish any landmark or historic resource classified by resolution of the city council, shall obtain approval of an application for a certificate of appropriateness by the planning commission. The application shall be filed with the director of planning and shall set forth the following information:

- (a) A completed application form and a fee in accordance with the current fee schedule established by city council resolution.
- (b) A map showing the boundaries of the subject parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof, together with a list and stamped, addressed envelopes of the names and addresses of the last known owners of each lot or parcel, insofar as they are of public record.
- (c) A full description of architectural style, materials, current use and condition, and color photographs of each side of the building or structure to be altered, relocated or demolished.
- (d) If the application is for an alteration, a complete description and fifteen (15) sets of architectural plans detailing the proposed alteration to be made.
- (e) A written statement describing how the proposed alteration is compatible with the building's architectural style and materials.
- (f) Such other information as may be required by the director of planning.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-185. Referral of application; setting of hearing; notice.

Upon the filing of an application with the department of planning and community development one copy thereof shall be referred by the department to other city departments for comment. Upon certification of a complete application the matter shall be set for hearing by the planning commission following at least ten (10) days' notice of said hearing, posted in three (3) public places within the city, and mailed to interested parties requesting notification in writing and all

property owners within the distance of three hundred (300) feet from the exterior boundaries of the subject property.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-186. Public hearing required.

Except as provided for elsewhere in this chapter, the planning commission shall conduct a public hearing on each application to alter, relocate, or demolish a landmark or historic resource. At the time of this hearing, the commission shall give consideration to the report of the director of planning and all evidence produced by the applicant and any other persons present at the time of such hearing. The planning commission shall by resolution, grant the certificate if all necessary findings are made, or deny the certificate if any required findings cannot be made. The planning commission shall set forth all terms and conditions in its approval of the certificate of appropriateness necessary to meet the intent of this article.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-187. Findings for alteration of landmarks and historic resources.

(a) *Landmark.* A certificate of appropriateness for the alteration of a classified landmark shall be granted by the hearing body upon finding that:

- (1) The proposed alteration retains the original exterior appearance of the landmark and its immediate setting, including the use of compatible architecture and materials, to the maximum extent feasible.
- (2) Reserved.

(b) *Historic resource.* A certificate of appropriateness for a significant alteration of a historic resource shall be granted by the hearing body upon finding that:

- (1) The proposed alteration retains the essential architectural elements which make the resource historically valuable; and
- (2) The proposed alteration maintains continuity and scale with the materials and design context of the historic resource, to the maximum extent feasible.

(Ord. No. 865, § 1, 8-25-92; Ord. No. 869, § 1, 2-9-93)

Sec. 7-188. Findings for relocation of a landmark or historic resource.

A certificate of appropriateness for the relocation of a landmark or historic resource shall be granted by the hearing body upon finding that:

- (a) Adaptive reuse or rehabilitation of the landmark or historic resource is not economically viable on the existing site; or,
- (b) The site to which the landmark or historic resource would be moved is in Belmont and is appropriate for the continued use of the building; and
- (c) The respective landmark or historic resource findings of section 7-187(a) or (b) are made.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-189. Findings for demolition of a landmark or historic resource.

A certificate of appropriateness for the demolition of a landmark or historic resource shall be granted by the hearing body upon finding that:

- (a) Prior to demolition, the building will be photographically recorded to Historic American Building Survey Standards plus any other recordation appropriate to the significance of the historic resource or landmark and two (2) copies shall be filed with the City of Belmont, Department of Planning and Community Development; and (b) or (c) below,
- (b) Adaptive reuse or relocation of the landmark or historic resource is not economically viable; or
- (c) The implementation of the broader city goals in the general plan or specific plan provides a city benefit that overrides the benefit to the general public of preserving the landmark or historic resource, as described in the purpose section of this article.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-190. Appeals.

Any decision of the planning commission may be appealed to the city council within ten (10)

days by notification to the city clerk. Within ten (10) days following the date of a decision of the planning commission, the city council, on its own motion may initiate proceedings to review the decision of the commission.

(Ord. No. 865, § 1, 8-25-92)

Sec. 7-191. Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor. Conviction of any such violation is punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one hundred eighty (180) days or both.

(Ord. No. 865, § 1, 8-25-92)

Secs. 7-192—7-196. Reserved.

ARTICLE VIII. BUILDING NUMBERING

Sec. 7-197. Required.

All houses, dwellings and other buildings situated in the City of Belmont fronting on any street or avenue shall be numbered with suitable size numbers, lighted from either the front or the rear, and located such that such numbers may be easily read from the street, avenue or public way.

(Code 1961, § 6.25; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

Sec. 7-198. Conformance to map.

The numbers on all such houses, dwellings and other buildings shall conform to the